

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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STEVEN G. KNICKERBOCKER,

Plaintiff,

v.

Case No. 24-cv-652-bhl

STATE OF WISCONSIN,

Defendant.

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**ORDER**

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Plaintiff Steven G. Knickerbocker, who is currently in custody at the Brown County Jail and representing himself, filed a complaint under 42 U.S.C. § 1983, along with a motion for leave to proceed without prepayment of the filing fee. Dkt. Nos. 1 & 2. On May 31, 2024, the Court ordered Knickerbocker to forward to the Clerk of Court the sum of **\$0.99** as an initial partial filing fee in this case by July 1, 2024. Dkt. No. 5. The deadline passed, and Knickerbocker did not pay, so the Court entered an order on July 2, 2024, directing him to either pay or explain why it has not been paid. Dkt. No. 8.

On July 12, 2024, Knickerbocker filed a letter stating, among other things, that all of the money that was in his account had a “prompt disposition” and “I have no way to come up with money.” Dkt. No. 10. A review of Knickerbocker’s trust account statement shows a check deposit in his account in the amount of \$9.90 in the six-month period immediately preceding the filing of this lawsuit, along with three canteen purchases during that same timeframe using up the entire sum. Dkt. No. 3. Knickerbocker therefore had “means” to pay the initial partial filing fee even though he now lacks “assets” to do so because he has already spent the money on canteen purchases. *See Newlin v. Helman*, 123 F.3d 429, 435 (7th Cir. 1997) (overruled on other grounds).

Therefore, the Court has no basis to waive the initial partial filing fee; and it will deny the motion for leave to proceed without prepayment of the filing fee based on failure to pay the initial partial filing fee and will dismiss this case without prejudice.

**IT IS THEREFORE ORDERED** that Plaintiff's motion for leave to proceed without prepayment of the filing fee (Dkt. No. 2) is **DENIED** based on his failure to pay the initial partial filing fee; and this case is **DISMISSED without prejudice**.

**IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. §1915(b)(1), Plaintiff must pay the \$350 statutory filing fee. Accordingly, the agency having custody of Plaintiff shall collect from his institution trust account the \$350 statutory filing fee by collecting monthly payments from Plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If Plaintiff is transferred to another institution, the transferring institution shall forward a copy of this Order along with Plaintiff's remaining balance to the receiving institution.

**IT IS FURTHER ORDERED** that copies of this order be sent to the officer in charge of the agency where Plaintiff is located.

**IT IS FURTHER ORDERED** that the Clerk of Court enter judgment accordingly.

Dated at Milwaukee, Wisconsin on July 19, 2024.

*s/ Brett H. Ludwig*  
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BRETT H. LUDWIG  
United States District Judge